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18 R. SHAH, MD, LTD.; and RADAR
19 MEDICAL GROUP, LLP dba UNIVERSITY
20 URGENT CARE

21 UNITED STATES DISTRICT COURT
22 DISTRICT OF NEVADA

23 ALLSTATE INSURANCE COMPANY,
24 ALLSTATE PROPERTY & CASUALTY
25 INSURANCE COMPANY, ALLSTATE
26 INDEMNITY COMPANY, and ALLSTATE
27 FIRE & CASUALTY INSURANCE
28 COMPANY,

Plaintiffs,

vs.

21 RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
22 M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
23 R. SHAH, MD, LTD.; and RADAR MEDICAL
24 GROUP, LLP dba UNIVERSITY URGENT
25 CARE, Does 1-100, and ROES 101-200,

Defendants.

Case No. 2:15-cv-01786-APG-CWH

**DEFENDANTS' MOTION FOR LEAVE
TO FILE UNDER SEAL EXHIBITS 43-
65 AND 70-86 SUPPORTING THEIR
MOTION FOR SANCTIONS AGAINST
PLAINTIFFS (FED. R. CIV. P. 11 AND
THE COURT'S INHERENT POWER)**

24 AND RELATED CLAIMS.
25

1 Defendants Russell J. Shah, M.D. (“Russell”), Dipti R. Shah, M.D. (“Dipti”), Radar Medical
 2 Group, LLP (“Radar Medical Group”), Russell J. Shah, MD, Ltd. (“Russell PC”), and Dipti R.
 3 Shah, MD, Ltd. (“Dipti PC”) (collectively, the “Radar Parties”) move this Court for leave to file
 4 under seal Exhibits 43-65 and 70-86 supporting their Motion for Sanctions Against Plaintiffs (Fed
 5 R. Civ. P. 11 and the Court’s Inherent Power) [ECF No. 73] (the “Motion for Sanctions”). These
 6 exhibits contain or reference “protected health information” concerning non-parties to this matter,
 7 and therefore, compelling reasons exist to seal them.

8 This Motion is made and based on the papers and pleadings on file, the following
 9 Memorandum of Points and Authorities, and any argument heard by the Court.

10 DATED this 1st day of February, 2017.

11 BAILEY♦KENNEDY

12 By: /s/ Dennis L. Kennedy
 13 DENNIS L. KENNEDY
 14 JOSEPH A. LIEBMAN
 15 JOSHUA P. GILMORE

16 *Attorneys for Defendants &
 17 Counterclaimants*

18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19 A party seeking to seal documents attached to a dispositive motion must identify
 20 “compelling reasons supported by specific factual findings” in order to overcome the presumptive
 21 right of public access to those documents. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172,
 22 1178-79 (9th Cir. 2006). The Court will balance the competing interests of the public and the
 23 parties (or non-parties) in deciding whether to seal judicial documents. *See id.* at 1179.

24 On February 1, 2017, the Radar Parties filed their Motion for Sanctions. The Radar Parties
 25 attached twenty exhibits to their Motion for Sanctions that qualify (or likely qualify) for sealing:
 26 Exhibits 43-65 and 70-86. Exhibits 43-65 consist of written reports prepared by various health care
 27 providers describing medical treatment rendered to several patients purportedly at issue in this
 28 matter. Exhibits 70-86 consist of claims notes that discuss or reference several patients purportedly
 at issue in this matter who received medical treatment from one or more members of Radar Medical

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1 Group.¹ The Insurance Companies have marked each these medical reports and each of their claim
 2 notes as “CONFIDENTIAL” pursuant to the Stipulated Confidentiality Agreement and Protective
 3 Order [ECF No. 39] (the “Protective Order”).

4 Because the patients referenced in Exhibits 43-65 and 70-86 are non-parties to this matter,
 5 sealing these exhibits is warranted in order to protect the patients’ privacy interests under the Health
 6 Insurance Portability and Accountability Act of 1996.² *See, e.g., Brodsky v. Baca*, No. 3:14-cv-
 7 00641-RCJ-WGC, 2015 WL 6962867, at *1 (D. Nev. Nov. 10, 2015) (recognizing that protecting
 8 medical privacy qualifies as a “compelling reason” to seal judicial records).

9 For these reasons, the Court should grant this Motion to Seal.

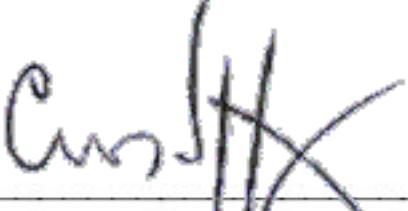
10 DATED this 1st day of February, 2017.

11 BAILEY♦KENNEDY

12 By: /s/ Dennis L. Kennedy
 13 DENNIS L. KENNEDY
 14 JOSEPH A. LIEBMAN
 15 JOSHUA P. GILMORE

16 IT IS SO ORDERED.

17 DATED: February 23, 2017

18 
 19 C.W. HOFFMAN, JR.
 20 UNITED STATES MAGISTRATE JUDGE

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 27 Excerpts were submitted in order to minimize the amount of private medical information filed with the Court.

28 On September 20, 2016, the Court entered an Order [ECF No. 67] sealing excerpts of claims notes for two other
 29 patients purportedly at issue in this matter because they contained “sensitive medical information of non-parties.”

CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY♦KENNEDY and that on the 1st day of February, 2017, service of the foregoing DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL EXHIBITS 43-65 AND 70-86 SUPPORTING THEIR MOTION FOR SANCTIONS AGAINST PLAINTIFFS (FED. R. CIV. P. 11 AND THE COURT'S INHERENT POWER) was made by mandatory electronic service through the United States District Court's electronic filing system and/or by emailing a true and correct copy to the following:

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